

**NEVADA DEPARTMENT OF  
CONSERVATION & NATURAL RESOURCES**

**STATE ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVES FOR**

**REGULATORY PETITIONS**

**COMMISSION PETITION NO. 95003**

**LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-025-95**

**DOCUMENTS INCLUDED IN THIS FILE:**

**YES SECRETARY OF STATE FILING FORM**

**YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B**

**REGULATORY PETITIONS**

**ORIGINAL DRAFTED BY COMMISSION**

**ADOPTED BY COMMISSION**

**YES AS FILED AND CODIFIED BY LCB**

Secretary of State  
Filing Data

For Filing Administrative  
Regulations

For Emergency  
Regulations Only

Effective Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Governor's Signature

### **Nevada State Environmental Commission**

Classification [ ] Proposed [ ] Adopted By Agency [xx] Temporary [ ] Emergency [ ]

**Brief description of action:** Petition 95003 permanently amends NAC 486A.030 to allow the Administrator of the Division of Environmental Protection to determine whether fuels not previously adopted by the Commission meet the clean alternative fuel definition. This permanent regulation also adds new language to NAC 486A that defines the standards that would be applied by the Administrator of the Division of Environmental Protection to determine whether a fuel is a clean alternative fuel.

**Authority citation other than 233B:** NRS 486A.150

**Notice date:** August 31, September 6 and September 12, 1995

**Hearing date:** October 3, 1995

**Date of Adoption of Agency:** October 3, 1995

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
PETITION 95003  
LCB FILE R-025-95**

The following statement is submitted for adopted permanent amendments to Nevada Administrative Code (NAC) Section 486A.

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Petition 95003 (R-025-95) was noticed three (3) times: August 31, September 6, 1995 and September 12, 1995 in the Las Vegas Review and Reno Gazette-Journal newspapers as a permanent petition. This petition was previously noticed as a temporary petition. No public comment was received. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670, or writing in to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

**2. The number persons who:**

- (a) **Attended each hearing;** 23
- (b) **Testified at each hearing:** 14 (four persons testified on this petition)
- (c) **Submitted to the agency written comments:** Five written comments were received by this petition and six comments overall were received for the hearing.

**3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. Comments were received from the Clark County Comprehensive Planning Department, the City of Las Vegas, the Nevada Department of Business and Industry and Southwest Gas Corp. The comments focused in the needed to sustain and expand the existing alternative fuels program by the addition of emission standards for vehicles using alternative fuels and for the standards to be tied to credits allowed to meeting vehicle fleet acquisition requirements. All parties supported the petition. See petition 96002 for a corresponding discussion. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted at the State Environmental Commission hearing on October 3, 1995 with no changes proposed by the public, businesses or the agency in response to. This regulations was previously adopted as a temporary regulation on February 16, 1995.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects: and**
- (b) Both immediate and long-term effects.**

- a. There will be no adverse economic effect to business in the short or long term. The benefit could be substantial to the company introducing a new fuel if it gains wide spread acceptance. This would present a long term benefit with no short term benefit expected.
- b. The public should not experience any long or short term adverse economic effect. In addition there would not be any short term benefit, however, the long term benefit could be substantial. Benefits on long term could be great if the company is Nevada based in regards to economics to the state. The benefit of cleaner air would mean a reduction in air pollutants.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations which the proposed amendments duplicate. This regulation relies exclusively on state statutory authority and no underlying federal authority exist to implement or mandate these provisions.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

As stated in question 7, this regulation is not based on federal regulations, therefore this question is not applicable to this regulation.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide for a new fee, and hence since no fee is involved there is not a total amount expected to be collected or used.

# ADOPTED PERMANENT REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

LCB File No. R025-95

Explanation: Matter in *italics* is new; matter in [ ] is material to be omitted.

AUTHORITY: NRS 486A.150

**Section 1.** Chapter 486A of NAC is hereby amended by adding thereto a new section to read as follows:

*1. The administrator of the division of environmental protection of the department may designate a fuel as a clean alternative fuel. A person who wishes to have a fuel designated as a clean alternative fuel must submit to the administrator a written request which includes evidence that the fuel complies with the requirements set forth in subsection 2.*

*2. A fuel designated as a clean alternative fuel by the administrator must:*

*(a) When used to operate a motor vehicle:*

*(1) Reduce the emissions of one or more regulated pollutants to a level below the level of emissions generated when the fuel for which the designated fuel serves as a clean alternative is used to operate a motor vehicle;*

*(2) Generate emissions which are within the limits established pursuant to NAC 445B.596 for all regulated pollutants; and*

*(3) Generate emissions which are measurable using testing procedures approved by the division; and*

*(b) Be capable of being safely transported in bulk, handled during fueling and used to operate motor vehicles which are converted or manufactured to use the fuel.*

*3. Not less than 30 days before a fuel is designated as a clean alternative fuel pursuant to subsection 1, the administrator shall provide a notice of intent to designate the fuel as a clean alternative fuel to each person who has requested that his name be placed on a mailing list maintained by the division for the purpose of providing that notice. The administrator shall cause the notice to be published at least once in newspapers of general circulation throughout the state.*

**Sec. 2.** NAC 486A.030 is hereby amended to read as follows:

486A.030 "Clean alternative fuel" means:

1. Any fuel usable by a clean alternative fuel vehicle which complies with the standards and requirements applicable to such vehicle established by the California Air Resources Board, as adopted by reference in NAC 486A.150;
2. Methanol, ethanol or other alcohol, or any mixture thereof containing 85 percent or more by volume of such alcohol with gasoline or other fuels;
3. Reformulated gasoline which exceeds the standards for gasoline commonly available to the general public in this state;
4. Reformulated diesel which exceeds the standards for diesel oils commonly available to the general public in this state;
5. Natural gas;
6. Liquefied petroleum gas;
7. Hydrogen; **[and]**
8. Liquid fuels derived from coal or other source of power, including electricity [.]; **and**
9. ***Any other fuel designated as a clean alternative fuel by the administrator of the division of environmental protection of the department pursuant to section 1 of this regulation.***

END OF LCB R025-95